



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 2, 2022

REQUEST GRANTED.


VIA ECF

Hon. Lewis J. Liman
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

The time for the Government to respond to the Complaint is extended to October 21, 2022. The Initial Pretrial Conference is rescheduled to November 1, 2022 at 11:00AM. Parties are directed to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101. Parties are reminded to jointly submit, by one week prior to the conference, a proposed Case Management Plan and Scheduling Order consistent with the Court's individual practices.

Re: *Lin Chen v. Mayorkas, et al.*, 22 Civ. 3646 (LJL) 9/1/2022 SO ORDERED.

Dear Judge Liman:


LEWIS J. LIMAN
United States District Judge

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate an Application to Register Permanent Residence or Adjust Status (Form I-485) and two Refugee/Asylee Relative Petitions (Forms I-730). On behalf of the government, I write respectfully to request a forty-five-day extension of the time to respond to the complaint (*i.e.*, from September 6, 2022 to October 21, 2022). In addition, I respectfully request that the initial pretrial conference presently scheduled for September 22, 2022, be rescheduled for a date during the week of October 31, 2022, or thereafter (with a corresponding extension of time for the preconference submission).

I respectfully request this extension because USCIS approved the Form I-485 and both Forms I-730, rendering moot the plaintiff's claims.¹ *See* Compl. ¶¶ 2, 15. I recently mailed to the plaintiff a copy of the approvals, a cover letter listing my contact information, and a proposed stipulation and order of dismissal, and need to allow time for the plaintiff to respond. This is the government's second request for an extension of the deadline to respond to the complaint; the Court granted the prior request. *See* ECF No. 9. The government has been unable to obtain a response from the plaintiff regarding whether the plaintiff consents to the extension and adjournment request given that the complaint provides no email address or telephone number.²

I thank the Court for its consideration of this letter.

¹ “In the immigration and naturalization context, courts have dismissed cases as moot where the agency, such as USCIS, to which the plaintiff has applied provides the relief sought in the complaint prior to the court's adjudication.” *Jinbin Wu v. Johnson*, No. 16 Civ. 4523 (KAM), 2018 WL 1115215, at *4 (E.D.N.Y. Feb. 27, 2018); *see also Li v. Napolitano*, No. 08 Civ. 7353 (JGK), 2009 WL 2358621, at *3 (S.D.N.Y. July 30, 2009) (similar).

² The mailing address in the petition appears to correspond to a storefront mailbox center and is also the exact mailing address for the litigants in approximately sixteen other cases recently filed in this District.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: s/ Jacqueline Roman
JACQUELINE ROMAN
Special Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (347) 714-3363
E-mail: jacqueline.roman@usdoj.gov
Attorney for Defendants

cc: Counsel of record (via ECF)